

Remarks

Claims 1-48 are pending in the application. All claims stand rejected. By this paper, claims 1, 17, 25, and 41 have been amended. Claims 10, 34, and 48 have been canceled. New claims 49-57 have been included to provide claim coverage commensurate with the scope of the invention. No new matter has been added. Reconsideration of all pending claims herein is respectfully requested.

The applicants note the Office Action Summary sheet indicates that "[t]he oath or declaration is objected to by the Examiner." However, the Office Action did not explain the objection, and no PTO-152 was included. The applicants assume that this box was checked in error since Paper No. 7 indicated that the applicants' Petition under 37 CFR 1.47(a) was granted.

Claims 1-15, 17-39, and 41-48 were provisionally rejected under the judicially-created doctrine of obviousness-type double patenting. Enclosed herewith is a terminal disclaimer to obviate the double patenting rejection.

Claims 1-15, 17-29, and 31-48 were rejected under 35 U.S.C. § 102(b) as being anticipated by Sull et al. ("Sull"). Claims 16 and 30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sull in view of Jakel et al. ("Jakel").

The applicants respectfully point out that Sull was published on June 6, 2002, and was not therefore "patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States" as required under § 102(b). However, the applicants will interpret this rejection as being made under § 102(e)(1).

Claim 1 has been amended to include, *inter alia*, the limitations of claim 10. As amended, claim 1 recites a method for distributing personalized editions of media programs, the comprising:

accessing a media program at an editing device;

receiving a designation of at least one excerpt of the media program for inclusion in a personalized edition of the media program;

generating at least one bookmark defining each designated excerpt of the media program;

encapsulating the at least one bookmark within a program information object (PIO) for the media program, the PIO comprising one or more attributes including information about a media program and one or more user-selectable actions performable in connection with the media program, wherein the PIO is to be represented by a visual indicator displayable in a graphical user interface to facilitate user interaction with the PIO; and

transmitting the PIO including the at least one bookmark to a playback device having access to the media program, wherein the at least one bookmark is usable by the playback device to present the personalized edition of the media program including only the at least one designated excerpt.

References Do Not Disclose Bookmarks Encapsulated Within PIOs

With respect to canceled claim 10 (now incorporated into claim 1), the Examiner argued that the "use of PIOs are well known in the art." Furthermore, the Examiner stated that "[i]t would have been *obvious* to one of ordinary skill in the art at the time of the invention to combine/include these features with Sull's teaching in order to provide additional flexible and convenient means/methods for transporting and handling/processing bookmarks." (Emphasis added).

Initially, the applicants respectfully point out that an obviousness argument is not appropriate for a § 102 rejection. To establish "anticipation under 35 U.S.C. 102, the reference must teach *every aspect* of the claimed invention either explicitly or

impliedly.” MPEP § 706.02(a). (Emphasis added). Sull does not disclose program information objects (PIOs) either explicitly or impliedly.

Even if Sull generally disclosed objects that could be used for bookmark encapsulation, Sull does not disclose the distinct configuration of a PIO recited in amended claim 1. The claimed PIO comprises “one or more attributes including information about a media program and one or more user-selectable actions performable in connection with the media program, wherein the PIO is to be represented by a visual indicator displayable in a graphical user interface to facilitate user interaction with the PIO.” As described in the specification, actions correspond to various operations that may be performed on or in connection with a media program represented by the PIO. For instance, one action may schedule the recording of the program by a PVR. Another action may skip to a time or position indicated by a bookmark during presentation of the media program. Actions may be embodied, for example, as program code in a machine-independent format, such as Java or Javascript. Attributes contain information about the media program being represented. For example, attributes may be used to store the title, starting time, stopping time, running time, actors, bookmarks (see claim 25), etc., associated with the media program.

Sull does not disclose an object relating to media programs that includes attributes and user-selectable actions. Indeed, Sull does not disclose a PIO that is represented by a visual indicator within a graphical user interface to facilitate user interaction with the PIO.

Accordingly, claim 1, as amended, is patentably distinct over Sull. Likewise, Jakel, alone or in combination with Sull, does not disclose or suggest PIOs. Therefore, claim 1 is believed to be allowable over the art of record along with dependent claims 2-9 and 11-24. Claim 25 has been amended to include similar limitations and is likewise believed to be allowable for at least the same reasons along with dependent claims 26-33 and 35-47.

References Do Not Disclose Non-Chronological Presentation

Claim 17 recites that "at least one bookmark comprises a directive to skip to an earlier point within the media program to facilitate a non-chronological presentation of program content." For example, the specification states that a "bookmark 406 may also include directives 1102 to skip ... backward a fixed period of time (e.g., 132.3 seconds)." Furthermore, the specification states that a user may create a "non-linear" or "non-chronological" presentation. By contrast, neither Sull nor Jakel discloses a bookmark to an earlier point within the media program to create a non-chronological presentation of program content.

Accordingly, claim 17 is believed to be patentably distinct. Claim 41 includes similar limitations and is likewise believed to be patentably distinct.

References Do Not Disclose Bookmarks with *Supplemental Information* to be Displayed with a Designated Segment

New claim 49 recites a method for distributing personalized editions of media programs, comprising:

accessing a media program at an editing device;

receiving a designation of at least one excerpt of the media program for inclusion in a personalized edition of the media program;

generating at least one bookmark defining each designated excerpt of the media program, wherein the bookmark includes supplemental information to be displayed in conjunction with the designated excerpt;

transmitting the at least one bookmark to a playback device having access to the media program, wherein the at least one bookmark is usable by the playback device to present the personalized edition of the media program including only the at least one designated excerpt with the supplemental information.

The creator of a personalized edition of the media program may wish to include an audio or video commentary or other information (e.g., text, hyperlinks) to be presented in connection with a designated segment. For example, the commentary may describe what material was left out of the personalized edition or otherwise explain the creator's edits. As described in the specification, the commentary may be overlaid on the media program while it is presented at the playback device, for example, as pop-up text or a picture-in-picture (PIP) configuration.

Neither reference discloses or suggests including, within a bookmark, supplemental information such as audio or video commentary to be presented with a designated segment. To the extent that Sull discloses annotations in the metadata of a video segment, such annotations are used for searching and indexing purposes and are not presented with a video segment. Accordingly, claim 49 is believed to be patentably distinct.

None of the cited references disclose or suggest any of the following dependent limitations that recite different types supplemental information to be displayed with a designated excerpt: text (claim 50), hyperlink (claim 51), image

(claim 52), video (claim 53), audio (claim 55). None of the cited references disclose or suggest presenting supplemental video content in a picture-in-picture window with the designated excerpt, as recited in claim 54. None of the cited references disclose or suggest that the supplemental information comprises a commentary by a user of the editing device that created the personalized edition of the media program, as recited in claim 56.

References Do Not Disclose Use of Bookmarks to Distribute Commercial-Free Television Programs

New claim 57 recites a method for distributing editions of television programs that are free of commercial advertisements, comprising:

accessing a television program at an editing device;

generating at least one bookmark designating each segment of the television program that does not include a commercial advertisement;

transmitting the at least one bookmark to a playback device having access to the television program, wherein the at least one bookmark is usable by the playback device to present a commercial-free edition of the media program including only the designated segments.

None of the cited references disclose or suggest the use of bookmarks to create and distribute commercial-free television programs. While paragraphs [341]-[346] of Sull mention "detecting commercial clips" and setting a flag to have the STB "ignore commercials," reading the context of this discussion beginning at paragraph [331] reveals that Sull teaches absolutely nothing about creating a commercial-free edition of a television program. In this context, Sull is referring to the synchronization of received metadata with a video signal, particularly in the context of a PVR being connected to an analog video cassette recorder.

Sull does not enable commercial removal, let alone commercial removal using bookmarks. Even if Sull is hinting at commercial removal, which he is not, Sull does not disclose or suggest (1) generating at least one bookmark designating each segment of the television program that does not include a commercial advertisement and (2) transmitting the at least one bookmark to a playback device having access to the television program, wherein the at least one bookmark is usable by the playback device to present a commercial-free edition of the media program including only the designated segments.

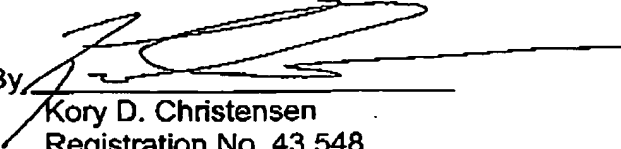
Conclusion

In view of the foregoing, the applicants respectfully submit that claims 1-9, 11-33, 35-47, and 49-57, as amended, are patentably distinct over the cited references, alone or in combination. Early allowance of all pending claims herein is respectfully requested.

Respectfully submitted,

Digeo, Inc.

By


Kory D. Christensen
Registration No. 43,548

STOEL RIVES LLP
One Utah Center Suite 1100
201 S Main Street
Salt Lake City, UT 84111-4904
Telephone: (801) 328-3131
Facsimile: (801) 578-6999